

RESOLUTION 35-2009

RESOLUTION ANNEXING ADJACENT TERRITORY TO THE BASIN FIRE DISTRICT

WHEREAS, pursuant to § 7-33-2125, MCA, the Board of County Commissioners received a petition requesting the annexation of certain lands adjacent to the Basin Fire District in Jefferson County. The matter having been published legally on October 14 and 21, 2009 and now this matter having come before the Board of County Commissioners of Jefferson, Montana for hearing on October 27, 2009 at 2:00 pm; with said Board of County Commissioners having held an open meeting, heard statements and evidence and having reviewed the Petition and various other documents and maps; and with the said Board of County Commissioners being duly advised in the premises; and,

WHEREAS, the Board of County Commissioners of Jefferson County, Montana, has received a written Petition, signed by fifty percent (50%) or more of the owners of the area of privately owned lands proposed to be annexed, seeking the annexation to the Basin Fire District of adjacent lands; and that said Petition appears to be in proper form and free from legal defect in all respects; and,

WHEREAS, the area subject to the said Petition constitutes lands adjacent to the existing Basin Fire District that said area and lands are not already part of any fire district; and,

WHEREAS, the area of adjacent lands, subject to the Petition, are described in Exhibits “A” and “B” hereto, which exhibits are by this reference incorporated in these Findings and made a part hereof; and that Exhibit “B” includes a map of the area as an attachment; and,

WHEREAS, the Clerk and Recorder of Jefferson County, has examined said Petition and has determined that the same has been signed by the owners of fifty percent (50%) or more of the said area of adjacent, privately owned lands; and the said Clerk and Recorder has further certified to this Board of County Commissioners that the signers of the Petition constitute a majority of the taxpaying freeholders, within such area, whose names appear on the last completed assessment roll; and,

WHEREAS, the said Petition has been presented to the Board of Trustees of the Basin Fire District and has been approved by said Trustees; and that said Trustees are willing and able to provide fire protection services to the area subject to the Petition; and,

WHEREAS, due and proper notice of the hearing of said Petition, was duly published in the *Whitehall Ledger*, the newspaper designated by the Jefferson County Board of County Commissioners, respectively, for the publication of legal notices, in the manner required by law; and,

WHEREAS, the Board of County Commissioners has received no written protest to the petition, nor any other written or oral objections to the proposed annexation of adjacent lands; and,

WHEREAS, pursuant to § 7-33-2125, MCA, the annexed territory is required to become liable for outstanding warrants and/or bonded indebtedness, if any, of the original district.

NOW, THEREFORE, on the basis of the foregoing findings, this Board of County Commissioners of Jefferson County, Montana, hereby resolves:

1. That this Board of County Commissioners has jurisdiction over the subject Petition and over these proceedings.
2. That the area described in Exhibits “A” and “B” (including the map) which are adjacent to the existing Basin Fire District, ARE ANNEXED to the said Basin Fire District.
3. That, hereafter, at all times and for all purposes, the Basin Fire District shall comprise and include not only those lands presently included within said Fire District’s boundaries, but also all of the privately owned lands described in Exhibits “A” and “B” hereto.
4. That such annexed lands and territory shall be hereafter liable for any outstanding warrants and any bonded indebtedness of the original Basin Fire District per statutory requirements.

DATED this 27th day of October, 2009.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

EXHIBIT A

The area to be annex is described as follows:

T7N R6W Sections 14, 15, 22, 23, 26, 27, 35 and 36

T6N R6W Sections 1 and 12

T7N R6W Sections 32 and 33

T6N R5W Sections 3 (west ½), 4, 5, 6, 7, 8, 9 and 16